IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 1115 of 2004

Between:

R.Chandrasekhar, S/o R.Subba Rayan, Vayalpad Primary Agricultural Coop.Society, Vayalpad, Chittoor District.

..... PETITIONER

AND

1 The Divisional Cooperative Officer, Madanapalli, Chittoor District.
2 The Person-in-Charge / President, Vayalpad Primary Agricultural Coop.Society, Vayalpad, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order direction or Writ particularly one in nature of Writ of Mandamus declaring the notice issued by the 2nd respondent insisting the petitioner to repay the salaries and other allowances which was drawn by him a sum of Rs.90,574/- with 18% interest within 15 days from the date of receipt of notice (Received on 17-01-2004), and proposing to issue the suspension notice as illegal, arbitrary and contrary to law and violative of Articles 14,19 and 21 of the Constitution of India and also provisions under Section 116-C(1) of Cooperative Societies Act and Rules there under and in the teeth of the judgment of this Hon'ble Court dated 11-09-2002 made in W.P.No.3706 of 2002 and batch

Counsel for the Petitioner: MR.M.VENKATA RAMANA REDDY

Counsel for the Respondent No.: GP FOR COOPERATION

The Court made the following :

ORAL ORDER:

The petitioner, Secretary of Vayalpad Primary Agricultural Co-op. Society, Vayalpad, Chittoor District, filed this writ petition questioning the order of the Person-in-charge which is said to have been received on 17-1-2000 directing the petitioner to pay the excess salary amount of Rs.90,574/- along with interest thereon at 18 % pa., alleging that the said amount was drawn in excess of the agreeable salary and the petitioner is not entitled to draw the same.

The issue raised in this writ petition is squarely covered by the judgment of a Division Bench of this Court in ***Government of Andhra Pradesh vs., A.P. State Cooperative Societies Secretaries and Employees Union and others*** and also at Para 25 of the judgment of this Court in ***WP No. 3171 of 2003& Batch*** dated 30th August 2004.

Following the said judgments, this writ petition is disposed of directing the second respondent to fix the staffing pattern and pay scales, if not already fixed, and pass a reasoned order giving the particulars of the pay that is payable to the petitioner as fixed by the Society and approved by the Registrar concerned under section 116 (c) of Andhra Pradesh Co-operative Societies Act and then recover the excess salary amount drawn by the petitioner.

With the above said observations, the writ petition is disposed of. No order as to costs.

Dt. 13-9-2004 V. ESWARAIAH, J

Kvrk

To

1 The Divisional Cooperative Officer, Madanapalli, Chittoor District.
2 The Person-in-Charge / President, Vayalpad Primary Agricultural Coop.Society, Vayalpad, Chittoor District.

3. Two copies to G.P. for Cooperation, High Court Buildings, Hyd. (OUT)

4. Two CD copies.